

REMARKS

Rejections – 35 U.S.C. § 112

The Examiner has rejected claims 1-12 as being indefinite for failing to particularly point out and distinctly claim the subject matter for which the applicant regards as the invention. In claim 3 – the phraseology “for resisting flow of fluid between the reservoir and the cylinder with the gate is swinging” was not readily understood by the examiner. “With the gate is swinging” has been changed to “when the gate is swinging” in amended claim 1, where this language now appears. This language is in accordance with the remainder of claim 1, such as “means for permitting unrestricted flow of fluid between the reservoir and the cylinder when the gate is swinging in the first direction.”

The Examiner also indicates that it is not readily apparent whether the applicant is claiming a gate regulator or a gate regulator in combination with a gate and a stationary wall. The applicant claims a gate regulator. Although the gate regulator may be used in combination with a gate and a stationary wall, the gate and the stationary wall are the workpiece upon which the gate regulator acts. The amended claim 1 has been amended to more clearly reflect the gate and the stationary wall as the workpiece, and positively set forth the elements of the gate regulator itself.

However, regarding newly presented claim 36, the combination of the gate, forage box, apron chains etc. and the gate regulator is claimed positively as a combination.

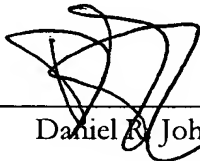
It is requested that the Examiner withdraw the § 112 rejections.

Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 1-4 as being anticipated by Piegza, U.S. Pat. No. 4,334,633. The Examiner has indicated that claims 5-12 would be allowable if rewritten to overcome the § 112 rejections and including all of the elements of the base claim and any intervening claims. This change has been incorporated into amended claim 1, incorporating the elements of the base and intervening claims. As the Examiner has indicated that this amendment presents allowable subject matter, allowance of claims 1, and 6-12 is respectfully requested.

Newly presented claim 36 removes much of the means language from amended claim 1, and is also believed to contain allowable subject matter, and allowance is earnestly solicited.

Respectfully Submitted,

By  _____
Daniel R. Johnson, Reg. No. 46,204

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

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Customer No.: 26308

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